

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION)	Civil No.04-00724 HG/BMK
and BIG ISLAND TOYOTA,)	
)	
Plaintiffs,)	DECLARATION OF GREG NISHIOKA
)	
vs.)	
)	
YOUNG BROTHERS, LIMITED;)	
HAWAIIAN ELECTRIC COMPANY,)	
INC.; AMERICAN PACIFIC)	
TRANSPORT CO., LTD.; PIRELLI)	
CABLE NORTH AMERICA, INC.,)	
)	
Defendants.)	
)	

DECLARATION OF GREG NISHIOKA

COMES NOW GREG NISHIOKA and under penalty of perjury states that the following is true and based on personal knowledge:

1. Declarant is an attorney licensed to practice law before all Courts in the State of Hawaii and as an attorney for Plaintiffs familiar with the facts herein and authorized to make this Declaration.

2. That the Complaint herein was filed on December 1, 2004;

3. That Defendant AMERICAN PACIFIC TRANSPORT was served with the instant Complaint by Process Server Robert Tam on May 17, 2005. A copy of the Return of Service is attached hereto as Exhibit A;

4. That on October 19, 2005 a First Amended Complaint was filed;


5. That Defendant AMERICAN PACIFIC TRANSPORT was served with the First Amended Complaint by Process Server Robert Tam on November 14, 2005. A copy of the Return of Service is attached hereto as Exhibit B;

6. The defaulting defendant was served more than twenty (20) days ago and it has not answered or otherwise plead in this action.

7. Therefore Plaintiffs request entry of default by Clerk of this Court against American Pacific Transport for failure to answer or otherwise plead.

FURTHER DECLARANT SAITH NAUGHT.

Dated: Honolulu, Hawaii, September 14, 2006.



GREG NISHIOKA